



Sen. William R. Haine

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09800SB1207sam002

LRB098 02583 KTG 42854 a

1 AMENDMENT TO SENATE BILL 1207

2 AMENDMENT NO. _____. Amend Senate Bill 1207 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 7.16 as follows:

6 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

7 Sec. 7.16. For any investigation or appeal initiated on or
8 after, or pending on July 1, 1998, the following time frames
9 shall apply. Within 60 days after the notification of the
10 completion of the Child Protective Service Unit investigation,
11 determined by the date of the notification sent by the
12 Department, the perpetrator named in the notification ~~a subject~~
13 ~~of a report~~ may request the Department to amend the record or
14 remove the record of the report from the register, except that
15 the 60-day deadline for filing a request to amend the record or
16 remove the record of the report from the record shall be tolled

1 until after the sentencing in any criminal court action or
2 after adjudication in any juvenile court action concerning the
3 circumstances that give rise to an indicated report. Such
4 request shall be in writing and directed to such person as the
5 Department designates in the notification letter notifying the
6 perpetrator of the indicated finding. ~~The perpetrator If the~~
7 ~~Department disregards any request to do so or does not act~~
8 ~~within 10 days, the subject~~ shall have the right to a timely
9 hearing within the Department to determine whether the record
10 of the report should be amended or removed on the grounds that
11 it is inaccurate or it is being maintained in a manner
12 inconsistent with this Act, except that there shall be no such
13 right to a hearing on the ground of the report's inaccuracy if
14 there has been a court finding of child abuse or neglect or a
15 criminal finding of guilt as to the perpetrator. ~~, the report's~~
16 ~~accuracy being conclusively presumed on such finding.~~ Such
17 hearing shall be held within a reasonable time after the
18 perpetrator's ~~subject's~~ request and at a reasonable place and
19 hour. The appropriate Child Protective Service Unit shall be
20 given notice of the hearing. If the minor, who is the subject
21 of a pending case under Article II of the Juvenile Court Act of
22 1987, is also the subject of a pending hearing to amend or
23 remove the record of the report from the State central
24 register, the minor shall, through the minor's attorney and
25 guardian ad litem appointed under Section 2-17 of the Juvenile
26 Court Act of 1987, have the right to participate and be heard

1 in such hearing as defined under Department rules. In such
2 hearings, the burden of proving the accuracy and consistency of
3 the record shall be on the Department and the appropriate Child
4 Protective Service Unit. The hearing shall be conducted by the
5 Director or his designee, who is hereby authorized and
6 empowered to order the amendment or removal of the record to
7 make it accurate and consistent with this Act. The decision
8 shall be made, in writing, at the close of the hearing, or
9 within 60 ~~45~~ days thereof, and shall state the reasons upon
10 which it is based. Decisions of the Department under this
11 Section are administrative decisions subject to judicial
12 review under the Administrative Review Law.

13 Should the Department grant the request of the perpetrator
14 ~~subject of the report~~ pursuant to this Section either on
15 administrative review or after an administrative hearing to
16 amend an indicated report to an unfounded report, the report
17 shall be released and expunged in accordance with the standards
18 set forth in Section 7.14 of this Act.

19 (Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

20 Section 99. Effective date. This Act takes effect January
21 1, 2014."